

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

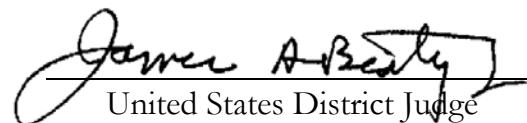
ALBERTO MARQUEZ CRUZ,)
Petitioner,)
v.) 1:13CV1097
BOB W. MARSHALL,)
FRANK L. PERRY,)
Respondents.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on January 9, 2015, was served on the parties in this action. Petitioner objected to the Recommendation. [Doc. # 14.]

The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Respondent's Motion to Dismiss [Doc. #6] is GRANTED and that Petitioner's Petition [Doc. #3] is DENIED. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.



United States District Judge

Date: January 21, 2015